

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TERRAFORM LABS PTE. LTD., *et al.*,)
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Movants,)
)
)
vs.) Case No. 4:23-mc-01459-MTS
)
)
RH MONTGOMERY PROPERTIES INC.,)
)
)
Respondent.)

MEMORANDUM AND ORDER COMPELLING PRODUCTION

This matter is before the Court on Movants Terraform Labs Pte. Ltd. and Do Hyeong Kwon's Motion to Compel Compliance with Subpoena. Doc. [1]. Movants served a third-party subpoena on Respondent RH Montgomery Properties Inc. in connection with an underlying action pending in the United States District Court for the Southern District of New York entitled *Securities and Exchange Commission v. Terraform Labs Pte. Ltd.*, No. 1:23-cv-01346-JSR. Respondent RH Montgomery Properties Inc. has failed to respond to the instant Motion to Compel, and its time to do so has passed. *See* E.D. Mo. L.R. 4.01(B). After reviewing Movants' filings, the Court determines an Order compelling Respondent RH Montgomery Properties Inc.'s compliance is appropriate.

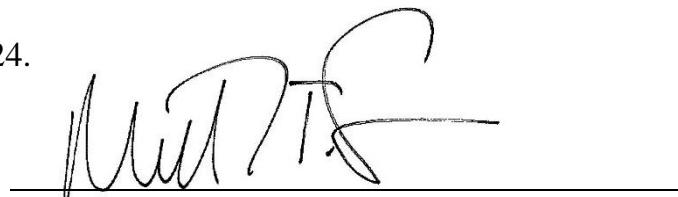
Not only has Respondent failed to oppose the instant Motion to Compel, but Respondent also failed to object to the subpoena or move to quash it. Therefore, it has waived any objections to the subpoena. *See* Fed. R. Civ. P. 45(d)(2)(B); *see also Am. Fed'n of Musicians of the U.S. & Can. v. Skodam Films, LLC*, 313 F.R.D. 39, 43 (N.D.

Tex. 2015) (“The failure to serve written objections to a subpoena within the time specified by Rule 45(d)(2)(B) typically constitutes a waiver of such objections, as does failing to file a timely motion to quash.” (internal quotations and alterations omitted)); *Cent. States, Se. & Sw. Areas Pension Fund v. King Dodge, Inc.*, 4:11-mc-00233-AGF, 2011 WL 2784118, at *3 (E.D. Mo. July 15, 2011) (“[B]y failing to timely serve written objections, [respondents] have waived any objections to the subpoenas.”); *McCoy v. Sw. Airlines Co.*, 211 F.R.D. 381, 385 (C.D. Cal. 2002) (“Failure to serve timely objections waives all grounds for objection.”).

Accordingly,

IT IS HEREBY ORDERED that Movants Terraform Labs Pte. Ltd. and Do Hyeong Kwon’s Motion to Compel Compliance with Subpoena, Doc. [1], is **GRANTED**. Respondent RH Montgomery Properties Inc. is **ORDERED** to produce—within five (5) days of being served with this Order—the documents subpoenaed by Movants Terraform Labs Pte. Ltd. and Do Hyeong Kwon on October 02, 2023.* Failure to abide by this Order may result in contempt proceedings.

Dated this 2nd day of January 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

* Movants must serve another copy of the subpoena when serving this Memorandum and Order Compelling Production on Respondent. See Doc. [2-1].